



**AVID TECHNOLOGY, INC.
LEGAL DEPARTMENT**

**RECEIVED
CENTRAL FAX CENTER**

MAY 04 2005

CONFIDENTIAL FAX COVER SHEET

TO: United States Patent and Trademark Office
Technology Center 2600
703-872-9306

FOR:

Appl. No.: 08/932,784 Confirmation No.: 5693
Applicant: James A. MCKAIN et al.
Filed: September 18, 1997
For: MOTION PICTURE RECORDING DEVICE USING DIGITAL
COMPUTER-READABLE NON-LINEAR MEDIA
Art Unit: 2615
Examiner: H. T. Nguyen

FROM: Peter J. Gordon, Esq.
Avid Technology, Inc.
One Park West
Tewksbury, MA 01876, USA
PHONE: (978) 640-3011
FAX: (978) 851-7216

DATE: May 4, 2005

NUMBER OF PAGES (including cover sheet): 3

**RECEIVED
MAY -5 2005
OIPF/JCW/S**

This facsimile is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. As such protections may apply, please contact the sender before forwarding this message to others. If you are not the designated recipient of this message, please do not review, copy or distribute it. If you receive this message in error, please notify the sender by reply facsimile and promptly destroy any copies without reading or disclosing the contents. Thank you for your cooperation.

RECEIVED
CENTRAL FAX CENTER

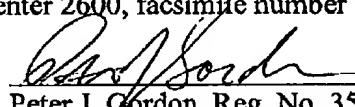
MAY 04 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 08/932,784 Confirmation No.: 5693
Applicant: James A. MCKAIN et al.
Filed: September 18, 1997
For: MOTION PICTURE RECORDING DEVICE USING DIGITAL
COMPUTER-READABLE NON-LINEAR MEDIA
Art Unit: 2615
Examiner: H. T. Nguyen
Docket No.: A1995001C2
Customer No.: 26643

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted to the United States Patent and Trademark Office, Technology Center 2600, facsimile number 703-872-9306, on May 4, 2005.


Peter J. Gordon, Reg. No. 35,164

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above patent application is a Terminal Disclaimer. The Terminal Disclaimer, referred to in the Reply to the Office Action filed May 3, 2005, was inadvertently omitted from that filing.

Please charge **Deposit Account No. 50-0876** in the amount of **\$130.00** terminal disclaimer fee. The Commissioner is hereby authorized to charge said Deposit Account for any fees which may be required or credit any overpayment.

Dated: May 4, 2005

Respectfully submitted,


Peter J. Gordon

Registration No. 35,164

Attorney for Applicant

Avid Technology, Inc.

One Park West

Tewksbury, Massachusetts 01876

Tel. 978.640.6789

PTO/SB/25 (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

A1995001C2

In re Application of: James A. MCKAIN et al.

Application No.: 08/932,784

Filed: September 18, 1997

For: MOTION PICTURE RECORDING DEVICE USING DIGITAL COMPUTER-READABLE NON-LINEAR MEDIA

The owner*, Avid Technology, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 08/932,993, filed on September 18, 1997, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature

5/4/05
Date

05/06/2005 EFLDRES 00000068 500876 08932784

01 FC:1814

130.00 DA

Peter J. Gordon

Typed or printed name

978.640.6789

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.